THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16725 OF 2006

14th AUGUST, 2006

BETWEEN

Setti Balija Ramalaya Development Service Society,
Vissakoderupalem.

... Petitioner

vs

The District Collector, West Godavari District, Eluru, West Godavari District and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.16725 OF 2006

ORDER:

The petitioner is espousing the cause of persons belonging to Setti Balija community and Mudiraj community in Vissakoderu village of Palakoderu Mandal in West Godavari District. It is the case of the petitioner that the land admeasuring Acs.4.00 in R.S.No.445/1 of Vankayapalem village is earmarked as burial ground for two communities and another extent of Acs.0.20 is earmarked as graveyard for Christian community. In spite of the same, the respondents issued notification under Section 4(1) of the Land Acquisition Act, 1894 (the Act, for brevity) proposing to acquire the land along with other lands in survey Nos.384/5, 228/A and 445/1B admeasuring total extent of Acs.6.47 cents for provision of house sites to homeless poor persons. Assailing the same, the present writ petition is filed.

In support of the submission that the land in survey No.445/1 is earmarked for graveyard, reliance is placed on temporary land receipt, dated 04.07.1990, which shows that in the column meant for entering the particulars of name of the pattadar, Gothula Venkatarao on behalf of community of Setti Balija is mentioned. The said receipt pertains to land in

survey No.509 of Vissakoderu village. Therefore, to decide the *lis,* no acceptable material is placed before this Court. However, this Court hastens to add that though notification is issued under Section 4(1) of the Act, enquiry under Section 5-A of the Act has not been dispensed with and indeed notice of enquiry is already issued on 07.07.2006. Therefore, the petitioner is given liberty to raise all objections before the Land Acquisition Officer, second respondent herein and produce necessary material in support of the allegation that land in survey No.445/1 admeasuring Acs.4.00 is graveyard meant for Setti Balija community. It is also open to the petitioner to produce necessary proceedings of the revenue officials or resolution of the Gram Panchayat in proof of such allegation. In this writ petition, no relief can be granted.

The writ petition, with the above observations, is accordingly disposed of. No costs.

_____

(V.V.S.RAO,J)

14.08.2006
pln